IN THE HIGH COURT OF BOMBAY AT GOA

Writ Petition No.383/2004.

Gangadhar Narsingdas Agrawal,
Mine-owners and Exporters of
Mineral Ore, Anand Bhavan,
Old Station Road,
Margao, Goa 430 601. ..... Petitioner.

V/s.

1. Curchorem-Cacora Municipal Council
by its Chief Officer,
Curchorem, Goa.

2. Chief Officer,
Curchorem-Cacora Municipal Council, ... Respondents.

Mr. A.F. Diniz, Advocate for the petitioner.

Mr. N.K. Sawaikar, Advocate for the respondents.

CORAM : A.P. LAVANDE, J.

DATE : 21st April, 2005.

ORAL JUDGMENT :

Heard Mr. Diniz, learned Counsel for the petitioner and Mr. Sawaikar, learned Counsel for the respondents. Rule. Mr. Sawaikar waives notice on behalf of the respondents. By consent, heard forthwith.

2. By this petition, the petitioner challenges three Orders all

dated 9th June, 2004 issued by respondent No.2, revoking three no objection certificates, all dated 27th May, 2004, granted to the petitioner for three different purposes.

3. Mr. Diniz, learned Counsel appearing for the petitioner submitted that respondent No.2 could not have withdrawn the no objection certificates granted to the petitioner, without giving show cause notice to the petitioner. According to the learned Counsel, it is well settled by catena of decisions of the Apex Court that once NOC is granted by any authority to a person for any purpose, the same cannot be revoked by that authority without giving show cause notice. Mr. Sawaikar has fairly not disputed this legal position. Mr. Sawaikar, on behalf of the respondents has made statement that the respondents would give show cause notices to the petitioner and that after hearing the petitioner and the persons who had made complaints against the petitioners, the respondents will pass appropriate orders.

4. In view of the statement made by the learned Counsel appearing for the respondents, the petition is allowed. All the three Orders dated 9th June, 2004, revoking the said three no objection certificates dated 27th May, 2004 are quashed and set aside. The respondents are at liberty to give show cause notice to the petitioner for revocation of all the said three no objection certificates and to pass

appropriate orders, after hearing the petitioner and in case the respondents decide to hear the complainants, after hearing the said complainants.

5. The petition stands disposed of. Rule is made absolute in the aforesaid terms. No order as to costs.

A.P. LAVANDE, J.

ssm.